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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.S.A. No. 2838 of 2004

Date of decision: 16.10.2007

Mandir Thakurdwara Shreeman Naryana ...Appellant

Versus

Prem Chand Gupta and others ...Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. B. R. Mahajan, Advocate and
Mr. G.C.Shahpuri, Advodate for the appellant.

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RAJESH BINDAL, J.

The plaintiff is in second appeal before this Court against the concurrent findings of fact by both the Courts below whereby suit filed by it for declaration was dismissed.

The dispute in the present case is regarding title over the suit property. The challenge was made in the suit to the sale deed dated June 5, 1991 whereby the disputed property was sold by respondent no.1 to respondent no.2. The suit was contested by the respondents. On a consideration of evidence brought on record by the parties, it was found that the appellant/plaintiff had failed to establish the identity of the suit property. The primary document produced by the appellant/plaintiff to claim the ownership of the property was gift deed in its favour. However, the site plan attached with the gift deed shows that it was only temple portion, which was gifted by Ramji Dass to the temple. The other property was shown to be in the ownership of one Bihari Lal. Resultantly Ramji Dass could not possibly gift the property of which he was not the owner. The alleged sale deed vide which Ramji Dass had purchased that property was not produced on record. Once the appellant had failed to produce on record any material to show his ownership, in my opinion, both the Courts below

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have rightly non suited the appellant/plaintiff. No substantial question of law arises.

Accordingly, the appeal is dismissed.

October 16, 2007 **(Rajesh Bindal)**
Pka **Judge**